

DRAFT

Wisconsin Administrative Code NR 20.40

NR 20.40 Fishing tournaments.

(1) DEFINITIONS. In this section:

(a) "Aquatic invasive species" has the meaning in NR 198.12(1).

(~~ab~~) "Fishing tournament" means any organized fishing activity, on any water of the state where competition is the primary ~~intent~~ purpose, and where prizes or incentives, such as money, prizes, or points, are awarded ~~which, in total, have a value of more than \$500, where the total number of participants is greater than 40 individuals or 20 boats, where the waters to be fished are identified by name by the sponsor, and where participants are required to fish on the same dates.~~

(c) "Immediate-release tournament" means a fishing tournament where fish caught by participants are not reduced to possession and transported, but are held only long enough for identification and to document length and/or weight, and released to the water from which they came.

(d) "Live-release tournament" means a fishing tournament where fish caught by participants are reduced to possession and transported, usually for purposes of recording, and live fish are then released to the water from which they came.

(~~ame~~) "Live well", for the purpose of s. 29.4035, Stats., means a container designed to hold live fish on a boat.

(f) "Off-site weigh-in" means a weigh-in of fish caught in a live-release tournament at a location that is not on the shoreline or adjacent to the waters listed on the fishing tournament permit where fish are transported by vehicle over land.

(g) "Permitted fishing tournament" means a fishing tournament that requires a permit from the Department.

(h) "Permitted fishing tournament boat days" is a measure of tournament fishing pressure for open water permitted fishing tournaments. It is calculated by multiplying the number of boats participating in an open water permitted fishing tournament by the number of days the permitted fishing tournament is held. Any part of a day shall count as one day.

(~~bi~~) "Person" means any individual, partnership, association, organization or body politic or corporate.

(j) "Possess" for the purposes of this section means to own, control, restrain, transport, or keep. Once a fish is possessed, it must be counted towards the anglers daily bag limit pursuant to s. NR 20.05(7). Any of the following conditions constitute possession:

1. Holding a fish out of the water longer than necessary to remove hooks and measure the fish for length, weight, or both.

2. Placing a fish into a live well except to revive a fish or to avoid imminent boating danger.

3. Holding a fish at the side of a stationary boat side for longer than necessary to register and revive the fish.

4. Resuming fishing by any angler in the boat prior to the release of the fish.

(~~ek~~) ~~"Sponsor"~~ "Organizer" means a person who advances, conducts, directs, establishes, organizes, promotes or otherwise is responsible for the operation of a fishing tournament, but does not include a person who only assists in

advertising or publicizing another person's fishing tournament. "~~Sponsor~~Organize" also means to advance, conduct, direct, establish, ~~organize~~, promote or otherwise be responsible for the operation of a fishing tournament.

(L) "Traditional fishing tournament" means a fishing tournament that was issued permits four out of five years from 2002 to 2006, for the same water or waters and time period. Beginning January 1, 2007, traditional fishing tournaments must continue to be conducted at least four out of five years for the same lake and time period to remain a traditional fishing tournament.

(m) "Weigh-in" means a registration process for live-release fishing tournaments by which fish are measured and released.

(2) PERMIT REQUIRED. No person may ~~sponsor~~conduct or participate in a fishing tournament ~~without first obtaining a permit from the department for which a permit has not been approved unless exempted under sub 3.~~ A person must obtain a permit from the Department to organize a fishing tournament if one or more of the following are expected to apply:

(a) For fishing tournaments on lakes, rivers, the Great Lakes, Wisconsin-Minnesota boundary waters as defined in NR 21.02(16), Wisconsin-Iowa boundary waters as defined in NR 22.02(14), Wisconsin-Michigan boundary waters as defined in NR 23.02(10), where the number of boats is 20 or more, or where the number of participants is 100 or more.

(b) The fishing tournament includes any trout species on waters classified as trout streams under NR 1.02(7).

(c) The fishing tournament is a live release tournament with an off-site weigh-in.

(d) The total prize value is \$10,000 or greater.

(3) EXEMPTIONS. A person may conduct a fishing tournament without a permit from the Department provided it does not meet all of the requirements in sub. (2).

****Rule language pertaining to tournament fees is provided as an example. Multiple fee alternatives will likely be presented at public hearings.****

(4) FISHING TOURNAMENT PARTICIPANT PERMIT. A person who wishes to participate in an open water fishing tournament which requires the sponsor to obtain a fishing tournament permit, shall possess a fishing tournament participant permit.

(a) **Authorization:** A fishing tournament participant permit authorizes the holder of the permit to fish as a participant in permitted open water fishing tournaments during the effective dates printed on the permit.

(b) **Display:** Each person fishing in a permitted open water fishing tournament shall carry their fishing tournament participant permit with them and shall display it to any employee or agent of the Department upon request.

(c) **Effective Period:** A fishing tournament participant permit shall be valid from the date and time of issuance until the following March 31st.

(d) **Fee:** The fishing tournament participant permit fee shall be \$10.00.

Note: Fishing tournament participant permits may be purchased through any Department ALIS vendor.

(35) APPLICATION. A person who wishes to ~~sponsor~~conduct a fishing tournament requiring a permit from the Department shall apply to the department for a permit on forms available from the department. The application shall be

~~submitted no sooner than one calendar year before the starting date of the tournament and no later than 30 days before the starting date of the tournament.~~

(a) Permit applications shall specify an individual who is responsible for supervising the tournament to ensure compliance with all tournament permit conditions and regulations.

(b) Applicants for a fishing tournament consisting of fewer than 50 boats or 100 participants shall pay a \$60.00 non-refundable permit application fee upon submission of the application.

(c) Applicants for a fishing tournament consisting of 50 boats or more but less than 100 boats, or 100 participants or more but less than 300 participants shall pay a \$225.00 non-refundable permit application fee upon submission of the application.

(d) Applicants for a fishing tournament consisting of 100 boats or more or 300 participants or more shall pay a \$450.00 non-refundable permit application fee upon submission of the application.

(e) There is no application fee for a fishing tournament permit where all participants are younger than 18 years old or are developmentally or physically disabled.

Note: Application forms may be obtained at no charge from department service centers and regional offices.

****Rule language pertaining to tournament fees is provided as an example. Multiple fee alternatives will likely be presented at public hearings.****

(56) ACTION ON PERMIT APPLICATIONS PROCESS.

~~(a) The department shall act on fishing tournament permit applications no later than 10 business days following receipt of a complete application.~~

~~(b) Permits shall be granted unless the sponsor's privilege has been revoked pursuant to sub. (8).~~

(a) Beginning August 1 each year, the Department shall accept permit applications for fishing tournaments to be held in the following calendar year.

(b) If the number of permit applications submitted the Department from August 1 through the September 30 exceeds the limits specified in subs (7) and (8), the Department shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the Department shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications to a location or time period for which applications are not already at or above the limits specified in subs. (7) and (8).

(c) After the deadline to change applications as provided under (b), the Department shall conduct a drawing for each location and time period for which applications exceed limits established in subs (7) and (8). Traditional fishing tournaments are not included in a drawing unless they are competing with other traditional fishing tournaments for limited fishing tournament permits for a body of water. Only one permit application per organizer will be included in a drawing for the same location and time period.

(d) By November 1 the Department shall approve or deny permit applications that are submitted by September 30.

(e) The Department may approve a permit application that is received after September 30 if approving the application would not result in exceeding the limits in subs. (7) and (8) and the application is received at least 30 days prior to the start of the tournament.

Note: If September 30 falls on a weekend, applications will be accepted until the following Monday.

~~(67) COMPLIANCE. All participants in a permitted tournament shall comply with all provisions of the permit. In the event that a participant clearly fails to comply with the permit, the violating participant shall promptly be disqualified or expelled from the tournament by the sponsor. The department may impose penalties under sub. (8) and take other appropriate enforcement action against the violating participant.~~

(a) All participants in a permitted tournament shall comply with all provisions of the permit.

(b) In the event that a participant fails to comply with the permit, the violating participant shall promptly be disqualified and expelled from the tournament by the organizer.

(c) All organizers of a permitted fishing tournament shall comply with all permit terms and conditions and the rules of this section and shall take adequate measures to ensure that all participants comply with all provisions of the permit. The organizer of a permitted fishing tournament shall provide each participant a copy of the permit conditions and rules specific to the fishing tournament along with potential penalties for noncompliance prior to any participant being allowed to participate in the tournament.

(d) Notwithstanding (b), the Department may impose penalties under sub. (12) and take other appropriate enforcement action against the violating participant or organizer.

(e) For the purpose of enforcing this subsection, a conservation warden or a representative of the Department, upon presentation of his or her credentials or Department identification card, is authorized at any time gamefish are possessed during the tournament to:

1. Open and inspect any livewell, holding tank, bag, boat, or other device used to hold or transport fish.
2. Failure to permit inspection. No tournament angler, organizer, volunteer or other tournament official may prohibit entry or inspections to be conducted under this subsection unless a court restrains or enjoins the entry or inspection.

(8) LIMITS ON SIZE AND NUMBER OF FISHING TOURNAMENTS. The size and number of permitted fishing tournaments allowed on a water body shall not exceed the following limits:

(a) Lakes:

<u>LAKE OR LAKE CHAIN SIZE (ACRES)</u>	<u>MAXIMUM DAILY NUMBER OF BOATS ALLOWED FOR PERMITTED OPEN WATER FISHING TOURNAMENTS</u>	<u>MAXIMUM MONTHLY NUMBER OF PERMITTED FISHING TOURNAMENT BOAT DAYS</u>	<u>MAXIMUM DAILY NUMBER OF PARTICIPANTS ALLOWED FO PERMITTED ICE FISHING TOURNAMENTS</u>	<u>MAXIMUM DAILY NUMBER OF CONCURRENT PERMITTED FISHING TOURNAMENTS</u>
<u>1. Less than 100</u>	<u>0</u>	<u>0</u>	<u>100</u>	<u>1 (ice fishing only)</u>
<u>2. 100 – 449</u>	<u>25</u>	<u>100</u>	<u>250</u>	<u>1</u>
<u>2. 450 – 999</u>	<u>50</u>	<u>450</u>	<u>500</u>	<u>1</u>
<u>3. 1,000 – 4,999</u>	<u>125</u>	<u>1,125</u>	<u>1000</u>	<u>2</u>
<u>4. 5,000 – 9,999</u>	<u>150</u>	<u>2,400</u>	<u>1500</u>	<u>2</u>
<u>5. Larger than 10,000</u>	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>	<u>No Limit</u>

(b) Open water fishing tournaments on lakes or lake chains smaller than 100 acres may be permitted if the Department finds that the tournament will:

1. Promote public awareness of fishing and the state's resources; and
2. Conform to best management practices for the lake; or

3. Is a traditional fishing tournament.

(c) All of the following shall apply to fishing tournaments permitted for any combination of lakes within a chain of interconnected lakes:

1. Acreage of individual lakes within a chain of interconnected lakes shall be summed for use in determining monthly maximums established in sub. (8)(a) for the entire chain.

2. The interconnected lakes permitted shall be connected by a navigable water that is not interrupted by a lock, dam or other obstruction which prevents free navigation from one lake to another by the types of boats or vehicles used by the participants.

(d) For boundary water lakes, the limits on the number of permitted fishing contests shall be determined based on the Wisconsin acreage.

(e) For flowages and impoundments of rivers, the limits shall apply to all the waters navigable by the types of boats or vehicles used by the participants, except where navigable river segments entering a flowage extend 5 miles beyond the first road crossing upstream of the flowage river limits established in sub. (8)(f)

(f) Rivers:

	<u>MAXIMUM NUMBER OF PERMITTED FISHING TOURNAMENTS PER MONTH</u>
<u>1. Mississippi River: pool 3; 5; 5A; 6; 7; 8; 9; 10; 11; 12; 13</u>	<u>4 (each pool)</u>
<u>2. Mississippi River: Pool 4</u>	<u>5</u>
<u>3. Lake St. Croix</u>	<u>4</u>
<u>4. St. Croix River, Wisconsin River, Fox River, Wolf River {excluding Lake Winnebago system waters as defined in NR 20.03(19)}</u>	<u>2 (each 10 mile segment)</u>

5. Fishing tournament waters identified in the permit for Mississippi River pools are limited to no more than three pools where each pool is separated by a lock and dam.

6. Fishing tournament waters for Lake St. Croix shall be restricted to the waters between the US HWY 10 bridge at Prescott upstream to the Acola Bar.

7. Other Rivers. No more than two permitted fishing tournaments, not to exceed four days combined, may be issued for any 10 mile segment of a river, as defined in the permit per month. If any portion of river permitted overlaps with a previously permitted portion of the same river, it shall be considered the same segment. Segment boundaries shall be readily identifiable features as close to 10 miles apart as possible.

(9) ADDITIONAL FISHING TOURNAMENT PERMITS. Notwithstanding the limits in sub 8, the Department may allow one additional permit each year for fishing tournaments on lakes greater than 1,000 acres or river segments identified by the Department. For additional fishing tournaments permitted under this subdivision, the fishing tournament permit applicant must demonstrate to the Department that the tournament will:

(a) Promote public awareness of fishing and the state's resources; and

(b) Conform to best management practices for the lake; or

(c) Is a traditional fishing tournament.

(10) DISPOSITION OF DEAD FISH. The Department shall require each applicant to provide a written plan for the disposition of any dead fish resulting from the fishing tournament which complies with s. 23.095(1g), Wis. Stats. No plan may include retention of any fish contrary to the requirements of department rule.

Note: Section 23.095(1g) General prohibition. No person may damage or attempt to damage any natural resource within the state. Under s. 23.095(1)(a) "Damage" means to commit a physical act that unreasonably destroys, molests, defaces, removes or wastes.

(611) GENERAL PROVISIONS AND PERMIT CONDITIONS.

(a) No person may sponsor fishing tournaments on the same body of water with starting dates separated by less than 2 weeks.

(b) The Department may deny an application for a fishing tournament permit upon determination that the body of water, the fish or other aquatic resources will be substantially harmed by the concentration of fishing activity from the fishing tournament.

(bc) No person may sponsor conduct a fishing tournament for a particular species of fish on the opening weekend of any fishing season for that species on any water subject to the opening on the three-day Memorial Day weekend, Fourth of July or three-day Labor Day weekend unless it is a traditional fishing tournament.

(d) The Department may require the tournament organizer to make alternative parking arrangements for fishing tournament participants in order to ensure reasonable public access to the water where the permitted fishing tournament is being conducted. A plan outlining the alternative parking arrangements shall be submitted to the Department upon request.

(e) For open water permitted fishing tournaments participants' boats must be identified the same way in a manner that makes them easily identifiable on the water as fishing tournament participants and the method for identification must be provided to the Department. This requirement does not apply to tournaments on the Great Lakes for trout and salmon.

(f) Restrictions on immediate-release tournaments.

1. Participants shall not reduce fish to their possession.

2. Participants shall immediately initiate the official tournament registration process upon landing a fish.

3. Participants shall successfully release the fish, as indicated by the capability of the fish to swim away upright under its own power, prior to resuming fishing.

(g) Restrictions on live-release tournaments.

1. No person may conduct a live-release tournament for muskellunge, northern pike, sturgeon, or trout with an off-site weigh-in.

2. No person may conduct a live-release tournament unless they follow the conditions related to fish handling specified on the permit.

3. No person may participate in a live-release tournament unless their boat is equipped with a live well that is demonstrated to the tournament organizer as functioning properly prior to fishing as part of the fishing tournament.

4. No person may hold fish in a live-release tournament in on-shore holding tanks unless the tanks have the capacity sufficient to hold at least 1 gallon of water per pound of fish held and are equipped with aeration or oxygenation systems that maintain the dissolved oxygen at 5 parts per million or higher.

5. No person may conduct a live-release tournament with an off-site weigh-in unless fish holding equipment and fish handling procedures are approved by the Department and the approval is specified on the permit.

6. The Department may include the following permit conditions for permitted live-release tournaments when it determines that environmental conditions are not conducive to survival of fish intended for release and the release may constitute unreasonable waste of natural resources under the provisions of s. 23.095 (1), Stats:

a. The Department may require harvest or immediate-release of fish.

b. The Department may restrict the area that may be fished by fishing tournament participants to reduce the time that fish are held in live wells and/or the distance fish are transported to a weigh-in site.

c. The Department may require re-distribution of released fish.

7. The Department may modify or revoke a fishing tournament permit at any time for the following reasons:

a. Presence of a fish disease, or

b. Unusual and potentially detrimental water quality, such as high water temperature or low dissolved oxygen, or

c. Unusual weather event, or

d. Other unusual circumstances that may result in detrimental fisheries impacts.

~~(f)~~ All permits for fishing tournaments shall:

1. Identify areas where competitive fishing is prohibited for the following reasons:

a. To protect critical habitat, including areas designated by local ordinance for aquatic vegetation preservation or areas where habitat enhancement activity is underway, and

b. To protect public rights, interests or safety, including designated swimming areas, mooring areas, access areas, navigational channels, staging areas, beaches or other special use areas.

~~2. Specify the method for fish holding and release for tournaments where fish are reduced to possession, usually for purposes of recording, and live fish are then released to the water from which they came.~~

~~3. Contain provisions for other than live release of fish when the department determines that weather conditions and water temperature are not conducive to survival of fish intended for release and the release may constitute malicious waste of natural resources under the provisions of s. 23.095 (1), Stats.~~

~~4. Prohibit the use of tagged fish, except when approved by the department to enhance collection of data for management purposes as part of a scientific study, or when tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the department under s. 29.736, Stats., and s. NR 19.05 for any of the following reasons:~~

a. To enhance collection of data for management purposes as part of a scientific study, or

b. The tagged fish are legally obtained from a licensed private fish hatchery and are planted under a stocking or introduction permit issued by the Department under s. 29.736, Stats., and s. NR 19.05, or

c. The fishing tournament promotes public awareness of fishing and the state's resources, and conforms to best management practices for the lake.

(~~gi~~) Pursuant to s. NR 20.05 (7), any fish taken into ~~actual~~ possession by an individual and not released immediately shall be included as part of the individual's daily bag limit.

(~~hj~~) The time limitations upon the length of a fishing tournament under this section do not include fishing activities by tournament participants carried out prior to the time when the tournament begins.

(~~ik~~) Except for tournaments on the Great Lakes, the fishing portion of any live release tournament may not run for more than 10 consecutive hours each day or more than ~~3~~ 4 consecutive days.

(~~jL~~) The fishing portion of tournaments on the Great Lakes is not limited.

(12) AQUATIC INVASIVE SPECIES.

(a). All tournament participants shall comply with s. 30.715, Wis. Stats. and any rules promulgated under that section. Any participant found to be in violation of s. 30.715, Wis. Stats. shall not be allowed to participate in a fishing tournament until their boat is decontaminated utilizing methods approved by the Department.

(b). The Department shall require fishing tournament organizers to inform all tournament participants of procedures recommended by the Department to clean and decontaminate boats and equipment of aquatic vegetation and invasive species prior to the tournament.

(c). The Department may include permit conditions necessary to prevent the spread of aquatic invasive species.

(7 ~~13~~) REPORTING. Each ~~sponsor~~ organizer shall report the results of the ~~sponsor's~~ organizer's tournament and other information which the department deems necessary on forms available from the department no later than 30 days following the last day of the tournament.

Note: Reporting forms will be issued with permits.

(~~8~~ 14) PENALTIES. In addition to any penalties provided by law, the department shall, for a period of 2 years from the date of violation, deny any ~~tournament~~ fishing tournament permit application submitted by a person it determines failed to comply with a ~~tournament~~ fishing tournament permit or with a rule relating to tournament fishing.

June 12, 2006

This version contains edits/suggestions from the last meeting of the FTAC (April 28, 2006) and edits/suggestions from WDNR staff review in May 2006.